

REMARKS

Reexamination and reconsideration of claims 74, 76 and 78-90 are respectfully requested.

Claims 74, 76, 78-81, 83-86, and 88-90 were rejected under 35 U.S.C. sec. 103(a) applying U.K. Pat. App. No. 2,277,812 ('812) in view of U.S. Pat. No. 5,283,853 ('853) and WO 90/08336 ('336). For publications to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

It is respectfully submitted that the purported combination of references does not teach, disclose, or otherwise suggest each and every feature of independent claim 74. Specifically, claim 74 recites, *inter alia*, sealing connections having respective sleeves with respective interior surfaces, the interior surfaces fittingly contacting the respective outer surfaces of the lead-in spigots and the respective outer surfaces of the waveguide-receiving pipes, moreover, the waveguide receiving pipes are recited as being a portion of the respective fiber optic cable along with optical waveguides.

However, at p. 3 the Office Action states the following with respect to the purported modification.

...Szegda '853 teaches an end connector for connecting an optical fiber cable to a port associated to a piece of equipment (See for example Figure 2) wherein the waveguide receiving pipes (See 14 in Figure 2) are connected to lead-in spigots (See 10 in Figure 2) via sealing connections comprising a sleeve having an interior surface (See 18 in Figure 2), the sealing connections fittingly contacting the respective outer surfaces of the lead-in spigots and the respective outer surfaces of the waveguide-receiving pipes.

Applicants assert that the Office Action misinterpreted the references. Specifically, the Office Action states that flexible

sleeve 14 of the '853 patent is a waveguide-receiving pipe. This is an incorrect statement. Instead, the objective evidence of record shows that flexible sleeve 14 is a portion of the connector, rather than a portion of fiber optic cable 2.

As recited, the waveguide-receiving pipe of claim 74 forms a portion of a respective fiber optic cable. See claim 74. On the other hand, flexible sleeve 14 of the '853 patent is not a portion of cable 2. See Fig. 2 of the '853 patent. This fact is supported for several reasons. First, flexible sleeve 14 is disposed radially outward of cable 2, therefore it could not be a part of the cable. Second, if flexible sleeve 14 was a portion of cable 2 it would extend the length of the cable. Flexible sleeve 14 does not extend the length of the cable, rather it has a relatively short length. Instead, the skilled artisan would have understood that flexible sleeve 14 forms a portion of the clamping assembly of the fiber optic end connector. See the '853 patent at Col. 2, ll. 50-60. Because the purported combination fails to disclose the all of the merits of claim 74, the Office Action failed to make a *prima facie* case of obviousness. Therefore, the withdrawal of the 35 U.S.C. sec. 103(a) rejection of claims 74, 76, and 78-80 is warranted and respectfully requested.

Likewise, it is respectfully submitted that the purported combination of references does not teach, disclose, or otherwise suggest each and every feature of independent claim 81. Specifically, claim 81 recites, *inter alia*, waveguide receiving pipes terminating at the sealing connection and being disposed exteriorly of the closure body interior space so that respective terminal end sections or the lead-in spigots and the waveguide-receiving pipes are in contact. Similarly, claim 81 recites that waveguide-receiving pipes form a portion of respective fiber optic cables along with optical waveguides.

On the other hand, the Office Action states that "...the lead-

in spigots and the waveguide receiving pipes [of the '853 patent] are disclosed as being in contact (See 10, 14 in Figure 2)..." See the Office Action at p. 3. For at least this reason, Applicants assert that the Office Action misinterpreted the teaching of the publication(s).

As explained before, flexible sleeve 14 of the '853 patent is not a waveguide-receiving pipe as recited in claim 81 because it is not part of cable 2; but, rather it is disposed radially outward of cable 2. Moreover, the objective evidence of record confirms the same. Since the purported combination does not teach, suggest, or otherwise disclose all the merits of claim 81, the Office Action failed to make a *prima facie* case of obviousness. Therefore, the withdrawal of the 35 U.S.C. sec. 103(a) rejection of claims 81-85 is warranted and respectfully requested.

Additionally, the Office Action states that "...Theys et al. [the '336 publication] further teaches a splice case for an optical fiber cable (See Figures 1 and 11) wherein the outer surfaces of the cable lead-in spigots (See 31 in Figure 11) and the waveguide-receiving pipes (See 32 in Figure 11), which terminate at the sealing connection and are disposed exteriorly of the closure body interior space (See Figure 11)..." See p. 3 of the Office Action. This statement contradicts the text of the '366 publication. See, for instance, the third full paragraph on p. 5 of the '336 publication.

Moreover, other than Figure 11, the Office Action cites no text or other objective evidence of record whatsoever is cited to support the position that cable 32 terminates at the sealing connection. Rather, as discussed in the '336 publication, the skilled artisan would have understood that cable 32 enters and pass through the lead-in spigot 31 of the '336 publication, thereby forming a seal between cable 32 and spigot 31 when the splice case is assembled. See the third full paragraph on p. 5 of

the '336 publication. Moreover, Figure 11 illustrates the same. Clearly, the objective evidence of record shows that cables 30 and 32 pass through the spigots, rather than terminate at the spigots.

Furthermore, it is respectfully submitted that the purported combination of references does not teach, disclose, or otherwise suggest each and every feature of the independent claim 86. Moreover, the amendment of claim 86 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim. Specifically, claim 86 recites, *inter alia*, a cable closure body having an interior space defined by a wall surface of the closure body, the wall surface having at least one ledge for supporting a waveguide tray.

Applicants assert that the Office Action misinterpreted the references with respect to claim 86. The Office Action states that "...Theys et al. [the '336 publication teaches the use of such splicing trays (See for example 10 in Figure 1) which are connected to the splice case on a ledge-like projection (See for example 7 in Figure 1)."] See the Office Action at p. 3. Specifically, Fig. 1 of the '336 publication teaches splicing trays 10 that are attached to a bracket 7 (See Fig. 2a), which is mounted to base 1. See p. 9 of the '336 publication. Claim 86 recites structure, which is different and patentably distinct from the purported modification.

Specifically, claim 86 recites, *inter alia*, an interior space of the cable closure body being at least partially defined by a wall surface of the closure body, the wall surface having at least one ledge for supporting a waveguide tray. In the case of the '336 publication the splicing tray is supported by bracket 7. Bracket 7 is not a closure body as recited in claim 86, rather cover 2 is the closure body of the splice case in Fig. 1. For at least this reason, the purported combination does not teach, suggest, or otherwise disclose all the merits of claim 86. The

09/101,846

P-981197

Page 9

withdrawal of the 35 U.S.C. sec. 103(a) rejection of claims 86-90 is warranted and respectfully requested.

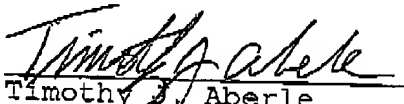
Claims 82 and 87 were rejected under 35 U.S.C. sec. 103(a) applying the '812, '853, and '336 publications in view of U.S. Pat. No. 5,695,224 ('224). For at least the reasons stated above with respect to independent claims 81 and 86, withdrawal of the 35 U.S.C. sec. 103(a) rejection of claims 82 and 87 is respectfully requested.

No new fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 50-0425.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

  
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09/101,846

P-981197

Page 10